

In The Indiana Supreme Court

IN THE MATTER OF THE)
REQUEST FOR APPROVAL)
OF LOCAL RULES FOR) CASE NO. _____
COURTS OF RECORD IN)
KOSCIUSKO COUNTY)

REQUEST FOR APPROVAL OF LOCAL RULES

The judges of the courts of record of Kosciusko County have decided to adopt Amendments to the Local Rules indicated below and request Supreme Court approval for the following Local Rules for which Supreme Court approval is required:

1. Reassignment of criminal cases pursuant to Criminal Rule 2.2;
2. Caseload allocation rule pursuant to Administrative Rule 1.
3. The Courts find that good cause exists to deviate from the schedule established by the Division of State Court Administration. These Amendments to Local Rules shall be published as required by T.R. 81(D), with opportunity for comment, and shall be effective on January 1, 2008, if approved by the Indiana Supreme Court.

Accordingly, the judges of record of Kosciusko County request approval of the above noted Local Rules.

Submitted this 12th day of September, 2007.

For the Courts of Record of Kosciusko County

_____/S/_____
Rex L. Reed, Judge
Kosciusko Circuit Court

NOTICE

The Courts of record of Kosciusko County, in order to comply with the provisions of Administrative Rule 1(E) and to fully implement the provisions of Rule E(2) requiring that the variance or difference in utilization between the courts of record does not exceed 0.40 based on weighted caseload measures, has proposed to the Indiana Supreme Court and requested approval for local rules which are attached hereto and made a part hereof. Notice is hereby specifically given to the following, namely:

**Dana Leon, President, Kosciusko County Bar Association
Rockhill Pinnick, LLP
105 East Main Street
Warsaw, Indiana 46580;**

**All members of the Kosciusko County Bar Association
maintaining mail depositories in the Kosciusko County Justice
Building, by deposit therein;**

**Sharon Christner, Clerk, Kosciusko Circuit Court, for posting on
the County Clerk's website; and Division of State Court Administration for
posting on the Indiana Judicial Website for public inspection.**

**Comments, if any, should be sent to Clerk, Kosciusko Circuit Court, 121
North Lake Street, Warsaw, Indiana 46580, and Division of State Court
Administration, 115 West Washington Street, Suite 1080, Indianapolis, Indiana
46204-3417. Comments will be received for not less than thirty (30) days from and
after the date of this notice.**

The rules as amended, if approved, shall become effective January 1, 2008.

Rule LR43- CR2.2-1 Initial Case Assignment

(A) Initial case assignments are as follows:

(1) Felonies under Title 9 (Traffic) and I.C. 35-46-1-5 through I.C. 35-46-1-7 cases

All cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7, shall be assigned to Kosciusko Superior Court No. 3.

(2) Felonies under Title 35-42-1 (Homicide) and I.C. 35-48 (Controlled Substances) cases

All felonies filed under Title 35, Article 42, Chapter 1 (Homicide) and those filed under Title 35, Article 48 (Controlled Substances) shall be filed in the Kosciusko Circuit Court. (Amended effective January 1, 2005)

~~(3) All other Felonies cases~~

~~All other felonies shall be assigned to the Kosciusko Superior Court No. 1 and Kosciusko Circuit Court on an alternating basis.~~

(3) Felonies charged as FC cases

Felonies charged as FC (excepting for those under A(1) and A(2) above) shall be assigned one-half (1/2) to Kosciusko Circuit Court and one-half (1/2) to Kosciusko Superior Court No. 1.

(4) All other Felonies cases

All other felonies shall be assigned to the Kosciusko Superior Court No. 1 and Kosciusko Circuit Court on an alternating basis.

(5) All Misdemeanors cases

All misdemeanors shall be assigned to the Kosciusko Superior Court No. 2.

(6) All I.C. 31-6-4 (Juvenile) cases

All cases filed under Title 31, Article 6, Chapter 4 (Juvenile) of the Indiana Code shall be initially assigned to the Kosciusko Superior Court No. 1. In the event a child is waived into adult court, the case shall be reassigned to the appropriate court in accordance with the proceeding provisions of this rule.

(7) Combination of Felony and Misdemeanor cases

In the event the case charges both felony and misdemeanor offenses, the case shall be considered a felony for the application of this rule.

Rule LR43- CR2.2-1 Transfer of Criminal Cases

- (B)** The Judge in any Kosciusko Court, by appropriate order entered in the Record of Judgment and Orders, may transfer and reassign to any other court of record in the county with jurisdiction to hear the charged offense any pending cases subject to acceptance by the receiving court.

**Local Rule LR43- CR2.2-1 Refiling and/or
Subsequent Filings of Criminal Charges**

(C) (1) Dismissal and Subsequent Refiling of Charges

In the event the State of Indiana dismisses a case, any subsequent case filed against such defendant within the next six months shall be assigned to the court from which the dismissal was taken.

(C)(2) Filing of Additional Charges

In the event additional charges are filed against a criminal defendant subsequent to the assignment of the case, all such additional charges to be resolved in conjunction with the pending case shall be assigned to the court of initial assignment.

Rule LR43- CR2.2-1 Reassignment of Criminal Cases

(D)(1) Kosciusko Circuit Court

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Circuit Court:

1. The Judge of the Kosciusko Superior Court No. 1
2. The Judge of the Marshall Circuit Court
3. The Judge of the Wabash Circuit Court

By order of adoption of these rules, the Indiana Supreme Court, pursuant to Indiana Code 33-24-6-10 temporarily transfers the above judges to the Kosciusko Circuit Court for the purpose of reassignment in criminal cases.

(2) Kosciusko Superior Court 1

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No. 1:

1. The Judge of the Kosciusko Circuit Court
2. The Judge of the Marshall Circuit Court
3. The Judge of the Wabash Circuit Court

By order of adoption of these rules, the Indiana Supreme Court, pursuant to Indiana Code 33-24-6-10 temporarily transfers the above judges to the Kosciusko Superior Court No. 1 for purpose of reassignment of criminal cases.

(3) Kosciusko Superior Court 2

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No. 2:

1. The Judge of the Kosciusko Circuit Court
2. The Judge of the Kosciusko Superior Court No. 1

3. The Judge of the Kosciusko Superior Court No. 3

By order of adoption of these rules, the Indiana Supreme Court, pursuant to Indiana Code 33-24-6-10 temporarily transfers the above judges to the Kosciusko Superior Court No. 2 for the purpose of reassignment of criminal cases.

(4) Kosciusko Superior Court 3

The following individuals have agreed to serve in the event it becomes necessary to reassign a criminal case in the Kosciusko Superior Court No. 3:

1. The Judge of the Kosciusko Circuit Court
2. The Judge of the Kosciusko Superior Court No. 1
3. The Judge of the Kosciusko Superior Court No. 2

By order of adoption of these rules, the Indiana Supreme Court, pursuant to Indiana Code 33-24-6-10 temporarily transfers the above judges to the Kosciusko Superior Court No. 3 for the purpose of reassignment of criminal cases.

(5) Method of Reassignment of Cases

In the event it becomes necessary to reassign a criminal case in the Kosciusko Circuit Court, Kosciusko Superior Court No. 1, Kosciusko Superior Court No. 2 or Kosciusko Superior Court No. 3, the cases will be reassigned in consecutive order to the above noted judges

RULE LR43 – AR -1 CIVIL CASE ASSIGNMENT

(A)

- ~~(1) All cases which have case classification code MH and pro se DR shall be filed in the Kosciusko Circuit Court.~~
- (1) All cases which have case classification code MH shall be filed in the Kosciusko Circuit Court.
- (2) All cases which have case classification code JC, JD, JS, JP, JM and JT shall be filed in Kosciusko Superior Court No. 1.
- ~~(3) All cases which have case classification code CT, CP, MI, RS, DR (excluding pro se), AD, AH, ES, EU and TR may be filed in either Kosciusko Circuit or Kosciusko Superior Court No. 1; however, attorneys are strongly encouraged to file such cases on an alternating basis in Kosciusko Circuit and Kosciusko Superior Court No. 1.~~
- (3) All cases which have case classification code PL, CT, RS, AD, AH, ES, EU, GU and TR may be filed in either Kosciusko Circuit Court or Kosciusko Superior Court No. 1; however, attorneys are strongly encouraged to file such cases on an alternating basis in Kosciusko Circuit and Kosciusko Superior Court No. 1.

- (4) All cases which have case classification code IF shall be filed in Kosciusko Superior Court No. 2.
- ~~(5) All cases which have case classification code OV, PO, (except PO cases where a DR or JP case is in existence involving the same parties which shall then be filed in the court having the DR or JP case), and SC shall be filed in Kosciusko Superior Court No. 3.~~
- (5) All cases which have case classification code OV, OE, PO (except PO cases where a JP case is in existence involving the same parties which shall be filed in the court having the JP case, and SC shall be filed in Kosciusko Superior Court No. 3.
- (6) MI cases shall be filed in Kosciusko Superior Court No. 2 and Kosciusko Superior Court No. 3. MI cases will be assigned by the Clerk on an alternating basis in order that each Court receives one-half (1/2) of the MI cases filed.
- (7) One-half (1/2) of dissolution cases (including those with PO matters) shall be filed in Kosciusko Superior Court No. 3.
- (8) One-half (1/2) of dissolution cases shall be filed in Kosciusko Circuit Court.
- (9) Collection (CC) cases shall be filed in Kosciusko Superior Court Kosciusko Superior Court No. 1, Kosciusko Superior Court No. 2, or Kosciusko Superior Court No. 3, with case assignment to be made by the Clerk in order that:
one-half (1/2) are filed in Kosciusko Superior Court No. 1;
one-fourth (1/4) are filed in Kosciusko Superior Court No. 2; and
one-fourth (1/4) are filed in Kosciusko Superior Court No. 3.
- (10) Mortgage foreclosure cases shall be filed in Kosciusko Superior Court No. 1 and Kosciusko Superior Court No. 3 with case assignment to be made by the Clerk in order that:
one-half (1/2) are filed in Kosciusko Superior Court No. 1; and
one-half (1/2) are filed in Kosciusko Superior court No. 3.

(B)

- (1) The judge of Kosciusko Circuit Court, if available, shall be judge pro tempore for the judge of Kosciusko Superior Court No. 1, if the judge of Kosciusko Superior Court No. 1 shall be unavailable by reason of absence, trial, or hearing and no other person has been appointed judge pro tempore or is serving as senior judge for the judge of Kosciusko Superior Court No. 1.
- (2) The judge of Kosciusko Superior Court No. 1, if available, shall be judge pro tempore for the judge of Kosciusko Circuit Court if the judge of Kosciusko Circuit Court shall be unavailable by reason of absence, trial, or hearing and no other person has been appointed

judge pro tempore or is serving as senior judge for the Kosciusko Circuit Court.

- (3) The judge of Kosciusko Superior Court No. 2, if available, shall be judge pro tempore for the judge of Kosciusko Superior Court No. 3 if the judge of Kosciusko Superior Court No. 3 shall be unavailable by reason of absence, trial, or hearing and no other person has been appointed judge pro tempore or is serving as senior judge for the Kosciusko Superior Court No. 3.
- (4) The judge of Kosciusko Superior Court No. 3, if available, shall be judge pro tempore for the judge of Kosciusko Superior Court No. 2 if the judge of Kosciusko Superior Court No. 2 shall be unavailable by reason of absence, trial, or hearing and no other person has been appointed judge pro tempore or is serving as senior judge for the Kosciusko Superior Court No. 2.
- (C) Senior judge services shall be allocated to the various courts of Kosciusko County to enable the judges of Kosciusko County to have vacation, sick days and attendance at judicial seminars and to allow continuance of cases and court duties in the absence of the elected judge.